

EDOK Criminal Complaint (Revised 6/13)

# United States District Court

## EASTERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,

*Plaintiff,*

v.

FRANCISCO PEREZ,

*Defendant.*

**CRIMINAL COMPLAINT**

**Case No. 21-MJ-285-SPS**

I, Special Agent Michael Harrington, the undersigned complainant, state that the following is true to the best of my knowledge and belief.

On or about June 16, 2021, in the Eastern District of Oklahoma, defendant, **FRANCISCO PEREZ**, violated Title 18, United States Code, Section(s) 113(a)(3), 1151, and 1152, an offense described as follows:

**Assault with a Dangerous Weapon with Intent to Do Bodily Harm, in Indian Country.**

I further state that I am a Special Agent with the Federal Bureau of Investigation, and that this complaint is based on the following facts:

(See attached Affidavit of SA Michael Harrington, which is attached hereto and made a part hereof by reference.)

☒ Continued on the attached sheet.



Michael Harrington, Special Agent  
Federal Bureau of Investigation  
Complainant

Sworn to before me and subscribed telephonically at: MUSKOGEE, OKLAHOMA

Date: June 17, 2021

UNITED STATES MAGISTRATE JUDGE

Name and Title of Judicial Officer



Signature of Judicial Officer



## **AFFIDAVIT**

I, Michael Harrington, being duly sworn, depose and state as follows:

### **AGENT BACKGROUND AND INTRODUCTION**

1. I, Michael Harrington, am a Special Agent ("SA") with the Federal Bureau of Investigation ("FBI"), and have been so employed since 2017. I am assigned to the FBI Oklahoma City Field Office – Muskogee Resident Agency. I am an investigative officer, or law enforcement officer, of the United States of America within the meaning of Title 18, United States Code, § 2510(7), that is, an officer of the United States who is empowered by law to conduct investigation of, and make arrests for, offenses enumerated in Title 18. In the performance of my duties with the FBI, I have participated in criminal investigations involving violent crime, drugs, domestic violence, various foreign terrorist organizations, evidence collection, interviews, execution of court ordered search and arrest warrants, and case review. I am familiar with the facts and circumstances set forth below from my participation in the investigation and from reports of other law enforcement officers involved in the investigation.

### **PROBABLE CAUSE**

2. The statements contained in this Affidavit are based in part on information provided by other agencies; written reports about this and other investigations that I have received, directly or indirectly, from other law enforcement agents; independent investigation; and my experience, training, and background as a Special Agent with the FBI. Because this affidavit is being submitted for the limited purpose of establishing probable cause to believe that **FRANCISCO PEREZ** committed the below-described offense, I have not included every detail of the investigation. In addition, unless otherwise indicated, all statements contained in this Affidavit are summaries in substance and in part. The following is true to the best of my knowledge and belief.

3. As will be shown below, there is probable cause to believe that **FRANCISCO PEREZ** committed violations of Title 18, United States Code, Sections 113(a)(3), 1151, and 1152,

in Indian Country, which occurred within the territorial boundaries of the Choctaw Nation Reservation.

4. VENUE: The facts and circumstances alleged in this affidavit occurred within the Eastern District of Oklahoma. More specially, the facts and circumstances occurred within the territorial jurisdiction of the United States and in Indian Country, to wit: the Choctaw Nation Reservation.

5. DEFENDANT: The defendant is **FRANCISCO PEREZ**, hereinafter referred to as **PEREZ**.

6. VICTIM: The victim is: M.B., (DOB: XX/XX/2003). For the purposes of federal jurisdiction, M.B. is an Indian, and is an enrolled member, by blood, of the Choctaw Nation.

7. OFFENSE: On June 16, 2021, **PEREZ** committed assault with a dangerous weapon with the intent to commit bodily injury to the person of M.B., in Indian Country, in violation of Title 18, United States Code, Section 113(a)(3), 1151, and 1152.

8. BACKGROUND: On June 16, 2021, at approximately 2:25 p.m., **PEREZ** walked into the Heavener Police Department (HPD), Heavener, Oklahoma, and spoke with Assistant Chief Larry Loomis. **PEREZ** stated that he was there to turn himself in because he had shot someone in the arm and leg at 509 West Avenue F (believed to be **PEREZ**' residence). Loomis handcuffed **PEREZ** and upon a search of his person found a loaded magazine in **PEREZ**'s right rear pocket. **PEREZ** stated that the weapon used was located in the seat of his truck. Loomis looked inside the vehicle and observed a black Beretta 9mm handgun. Loomis observed that the driver's side window of the vehicle was half-way down. Loomis opened the front door of the vehicle and secured the weapon.

9. On June 16, 2021, at approximately 2:25 p.m., HPD received a phone call from Leflore County dispatch advising them to respond to 508 West Avenue F for a gunshot victim. The victim was identified as M.B. 508 West Avenue F is believed to be M.B.'s residence.

10. On June 16, 2021, at approximately 3:49 p.m., **PEREZ** was read his *Miranda* rights, waived his rights, and admitted to shooting M.B. two times with a firearm.

11. On June 16, 2021, at approximately 8:04 p.m., FBI SA Jacob Derksen and SA Joseph Dick interviewed **PEREZ** at HPD, after having advised **PEREZ** of his *Miranda* rights. **PEREZ** waived his rights, and said "I am here because I shot somebody." **PEREZ** then stated he wanted a lawyer. The interview was terminated.

### CONCLUSION

12. Based on a review of this case, and based on my knowledge and experience with violent crimes, I, as your Affiant have probable cause to believe **PEREZ** committed the offense of assault with a dangerous weapon with intent to do bodily harm in Indian Country in violation of Title 18, United States Code, Sections 113(a)(3), 1151, and 1152 for the shooting of M.B.

Respectfully Submitted,



Michael Harrington  
Special Agent, FBI

Sworn before me this 17<sup>th</sup> day of June 2021.



UNITED STATES MAGISTRATE JUDGE  
EASTERN DISTRICT OF OKLAHOMA